THE FREEDOM OF INFORMATION REVIEW PROCESS

The involvement of the Review Office begins when a Form 7 or a written request for review of a Public Body's decision is received.

The Review Process is divided into three stages: Intake, Mediation and Formal Review.

A. Intake

1. Once a Form & or a written request for review is received, an initial screening process takes place. The Case Review Analyst examines the request to ensure it is in proper form and within the jurisdiction of the Review Office. The Review Office will refuse to conduct a review if the matter is not within its jurisdiction. The Review Office may also refuse to conduct a review if the matter is one which, in the opinion of the Review Officer, does not warrant further action.

2. If the matter goes forward, a review file is opened. The Case Review Analyst will send a letter of acknowledgment to the Applicant and a notification letter to the FOIPOP Administrator and to any affected third parties.

3. The letter to the FOIPOP Administrator lists the documents the Administrator must forward to the Review Office. These documents are:

   - the original application for information;
   - any correspondence between the Public Body, the Applicant and any third parties;
   - the Public Body's decision letter;
   - a severed and unsevered copy of the records at issue.

   (Creating an index of the records and sending that as well would be very helpful to the process).

4. The Public Body has **15 days** from receipt of the notification letter to forward these documents to the Review Office. If the FOIPOP Administrator expects difficulty in meeting this 15 day deadline, he/she should phone the Case Review Analyst to discuss the matter.

5. Once the Analyst receives the documents they are examined to ensure they are complete. If the Analyst has any questions about the material, the FOIPOP Administrator will be contacted for clarification.

6. Once the Case Review Analyst is satisfied the documents are in order, the file is moved to the mediation stage.

B. Mediation

Through the mediation process the Mediator assists the parties in trying to reach a full or partial settlement of the review request. Mediation may reduce the number of records in dispute, may clarify the issues and will help the parties to better understand the *Act*.

1. Mediation at the Review Office is initially conducted by telephone conversations with the parties. The Mediator will review the request and the records and contact the parties to discuss the issues.

2. The FOIPOP Administrator may put the Mediator in touch with departmental staff who are knowledgeable about the records. On occasion, if the parties agree, a face-to-face meeting may be held with the Mediator, the Applicant, and the FOIPOP Administrator.

3. It is essential that a FOIPOP Administrator bring a positive attitude to mediation discussions - the object is to find a solution which will satisfy everyone and avoid the request going on to formal review.

4. As part of the mediation process, the Mediator may provide an advisory opinion to the parties as to the likelihood of success if the request should go on to a formal review.

5. The *Act* states that the mediation process must be completed in **30 days,** but it can go longer if there is progress and the parties agree.

6. If the review is settled at mediation, a letter stating this will be sent to the parties and the file will be closed.

7. If the review is not settled or if only some of the issues are settled, a letter will be sent to the parties setting out what has been settled, what issues are still outstanding and stating that the file has now been forwarded to the formal review stage.

8. The letter will also state that the parties have **10 days** from receipt of the mediation letter to submit written representations to the Review Officer. If the FOIPOP Administrator anticipates difficulty meeting the 10-day time limit, the Review Officer should be contacted.

(Please note that all conversations with the Mediator are in confidence and any notes taken by the Mediator during the mediation process are placed in a sealed envelope before the file is forwarded to the Review Officer.)

C. Formal Review

_____1. Once the Review Officer has reviewed the request and the records, he will contact the parties. This contact is usually by phone.

2. The Review Officer may have questions for the FOIPOP Administrator about the records and he may have specific questions on why certain section(s) of the *Act* have been cited. The purpose of the questions is to gain a better understanding of the Public Body's decision-making.

_____3. The Public Body does not have to submit written representations, but it is highly recommended. Written representations provide the Public Body with the opportunity to expand on its reasons for severing or refusing to disclose the records.

_____4. Sometimes the representations are exchanged between the parties and the parties are given an opportunity to respond to each other's arguments. However, representations are only exchanged with the consent of each party.

5. In addition, the FOIPOP Administrator may request a meeting with the Review Officer to discuss the review and to make an oral representation.

6. The Review Officer does have the authority to require the parties attend an informal hearing but such hearings are not common.

7. Once the Review Officer is satisfied that all the necessary information has been collected and all parties have had an opportunity to make representations, the Review Officer issues a Report. A copy of the Review Report is sent to all parties. The Report will contain recommendations regarding further disclosure of the records or a recommendation that the Review Officer agrees with the decision of the Public Body.

8. The FOIPOP Administrator is asked to acknowledge receipt of the Review Report. The Public Body has **30 days** from receipt of the Report to make a decision with regard to the recommendations and to give written notice of that decision to the Review Office and to the parties. At that point the Review Office closes the file.

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